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J. AMABILE**production for this litigation?**

A. The document production? Is that what you said?

Q. Correct.

MR. MALTBIIE: Objection to form.

A. The gathering of the information?

Q. Correct.

A. No. As far as -- you mean other than what I provided?

Q. Correct.

A. No.

Q. So you were asked to provide certain documents and did you search your own files for documents?

A. For what I had, yes, pertaining to.

Q. Okay. But beyond that you weren't involved in the production of documents on behalf of the company.

A. No.

Q. Okay. Thank you.

Do you have any insight into whether All Granite somehow enticed customers into its showroom through use of the Artisan TSG Reporting - Worldwide 877-702-9580

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J. AMABILE**trademarks?**

A. Not that I am aware of.

Q. Okay. Have you ever seen any advertisements or fliers or brochures outside of the store which a customer might have come across?

A. I have not.

Q. When I say fliers, advertisements, I meant fliers, advertisements bearing any sort of the Artisan trademarks.

A. Right. I have not.

Q. Okay. As we mentioned earlier you visit many different dealers and you do see other competitive sinks.

A. Um-hum.

Q. Do you also attend trade shows?

A. Yes, I do.

Q. Mr. Han mentioned the yearly trade show which takes place, the Kitchen and Bath Show. Is that the name of it?

A. KBIS, yeah. Kitchen and Bath Industry.

Q. Once a year I think he mentioned April and May it takes place?

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A. Um-hum.

Q. Okay. So when you're there do you take advantage of that time to see what the competitors are doing and visit other groups and look around?

A. I would say I would love to be afforded the time to do that. I don't. I mean, typically I'm working.

Q. Okay. How many trade shows have you attended?

A. Since my start?

Q. Would it simply be one if you started --

A. No, no, no. Five at least.

Q. Okay. So one of the annual Kitchen and Bath Shows but then other trade shows --

A. Yeah, there's other -- there's Stone Exposition which is a granite industry show. Coverages which is also a big industry show.

Q. Okay.

A. KBIS, that's the biggest.

Q. Are you familiar with the brand

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J. AMABILE**Franke?**

A. I'm familiar with Franke, yes.

Q. Are you aware that Franke markets a sink that it calls an Artisan sink?

A. I was not.

Q. So by that I mean you've never seen that Artisan sink in the trade.

A. No.

Q. Okay. Have you ever noticed any other companies using fleur-de-lis logos on kitchen faucet sink products?

A. Not related to the bathroom industry I haven't. Or kitchen industry.

Q. Okay. Have you noticed any fleurs-de-lis in other areas, to the best of your knowledge?

A. I mean, I've seen it. You know, like on a brand or something like that. I know I've seen it out there but not directly related to the bath and kitchen industry.

Q. Okay. And, likewise, have you noticed any companies using crown-shaped logos on kitchen and bath products?

A. That I have not.

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2 Q. Are you familiar with the company
3 Aquadis?

4 A. Aqua?

5 Q. Aquadis.

6 A. No.

7 Q. Are you familiar with the company
8 Latoscana?

9 A. No.

10 Q. They make kitchen faucets.

11 A. You got me there.

12 Q. Okay. Do you know the company
13 Whitehaus Collection?

14 A. Whitehaus I have heard of.

15 Q. Have you ever seen their crown
16 logo?

17 A. I have not.

18 Q. And have you ever seen the crown
19 logo used by Kindred?

20 A. Kindred I have seen.

21 Q. Are you familiar with the company
22 Royal USA?

23 A. Yes, I am. I've heard of them.

24 I'm not very familiar with them. I know --
25 the name has come up before.

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2 Q. Have you ever seen the crown logo
3 used by Royal USA?4 A. I have not. I mean, I know I --
5 I'm not familiar with it. I have seen an ad
6 for Royal. If it's Royal USA, the sink line,
7 I have heard them and I've seen their ad but
8 the logo doesn't -- is not one that I
9 remember.

10 Q. Thank you.

11 MR. SCHROEDER: Let me mark this
12 next document as Defendant's 84.13 (Defendant's Exhibit 84, photocopy
14 of Need Plumbing Supplies.com web page,
15 marked for identification as of this
16 date.)

17 BY MR. SCHROEDER:

18 Q. Mr. Amabile, I'm showing you
19 what's been marked as Defendant's 84 which is
20 a printout of a page from Need Plumbing
21 Supplies.com.

22 A. Okay.

23 Q. Are you familiar with that website
24 at all?

25 A. Not with the website, no.

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2 Q. All right. Near the top of the
3 page it indicates that, "We supply a wide
4 variety of faucets, filters and fixtures."
5 Do you see that?

6 A. Um-hum.

7 Q. Okay. And then it lists a
8 collection of manufacturers of such faucets,
9 filters and fixtures.10 Does Artisan sell to Need Plumbing
11 Supplies.com?

12 A. Not to my knowledge, no.

13 Q. If you look at the third column it
14 references to Ariston.

15 A. Um-hum.

16 Q. Are you familiar with a company
17 Ariston?

18 A. No.

19 Q. Never heard of them before?

20 A. No.

21 Q. Okay. Thank you.

22 A. Um-hum.

23 MR. SCHROEDER: Let's mark this
24 next document as Defendant's 85.25 (Defendant's Exhibit 85, Artisan
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2 Manufacturing Corporation's Responses and
3 Objections to All Granite & Marble
4 Corporation's First Request for the
5 Production of Documents and Things,
6 marked for identification as of this
7 date.)

8 BY MR. SCHROEDER:

9 Q. Mr. Amabile, I'm showing you
10 what's been marked as Defendant's 85. I don't
11 know if you've seen this document before.
12 It's a document that was created by your
13 attorneys. If you note on page...on page...on
14 page...15 Actually, let's move on. That was
16 not the right document. Let's just put that
17 in the stack.18 MR. SCHROEDER: Let's go ahead and
19 mark this following document as
20 Defendant's 86.21 (Defendant's Exhibit 86, Artisan
22 Manufacturing Corporation's Answers and
23 Objections to All Granite & Marble
24 Corporation's First Set of
25 Interrogatories, marked for
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2 identification as of this date.)

3 BY MR. SCHROEDER:

4 Q. Let me start over and show you
5 what's been marked as Defendant's Exhibit 86.
6 As I stated before, you probably haven't seen
7 this document. It's a document prepared by
8 your attorneys and if you look at page 8 --
9 take that back. It doesn't -- I was looking
10 for Mr. Han's signature but this document
11 doesn't contain his signature.

12 So let me refer you then to
13 interrogatory number 1 which appears on page
14 3. And so you know what we're talking about,
15 we presented certain questions and requests
16 for information to Artisan and these are
17 Artisan's responses back to us. So if I could
18 ask you to read interrogatory number 1 just to
19 yourself is fine.

20 (Pause on the record.)

21 Q. And then the response is set forth
22 on page 3. And six customer names are
23 identified there. Okay.

24 A. Correct.

25 Q. Let's start and go through each
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2 customer customer by customer. And the first
3 name on the list, Robert Luzinski,
4 L-U-Z-I-N-S-K-I.

5 Do you know who he is?

6 A. Yes, I do.

7 Q. Did you speak to him directly
8 yourself?

9 A. I did.

10 Q. Okay. Let's back up now. When
11 did Mr. Luzinski first contact Artisan, if you
12 know?

13 A. I don't know the exact date.

14 Q. How about a time period?

15 A. I want to say it was September.
16 In that ball park. Beginning of.

17 Q. Okay. And when he called Artisan
18 who did he speak with?

19 A. I don't know but he would have
20 spoke to one of the customer service women in
21 the office.

22 Q. And what's their process for
23 recording such a conversation? Is there a
24 procedure that's followed?

25 A. Recording just with a -- you know,
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2 a note.

3 Q. Telephone message?

4 A. Yeah. Telephone message.

5 Q. Would that have a been handed to
6 you?

7 A. Yes. It was handed to me.

8 Q. Okay. And do you recall what that
9 note said?

10 A. What the note said, no. It was --
11 if I remember correctly, in Mr. Luzinski's
12 case, it was -- he was looking for a grid for
13 his sink.

14 Q. And do you know why he called
15 Artisan looking for a grid?

16 A. Because he was told that that was
17 the sink that he had.

18 Q. Do you have a copy of this note
19 that was given to you, the original telephone
20 message?

21 A. I don't.

22 Q. Would that have been thrown out
23 after the phone call was received?

24 A. Initial visit, yeah. I mean,
25 initial phone call.

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2 Q. Okay. So following receipt of the
3 message how soon thereafter did you call Mr.
4 Luzinski?

5 A. I probably would have called him
6 the same day.

7 Q. Okay. And is that the only
8 conversation you had with Mr. Luzinski, that
9 one conversation?

10 A. No. We had a follow-up
11 conversation. It's not Artisan's -- it's not
12 Artisan's policy to sell retail. So when a
13 customer called us, especially if they were
14 told from their supplier who was selling our
15 sinks to call us, we find that very odd.
16 Especially if, you know, we're doing our job
17 right that dealer is selling our grids. They
18 wouldn't want their customer calling us. So
19 that's what -- any customer that's going to
20 call retail is going to get handed off to
21 someone that's handling sales in our company.
22 Which at this point most of them would come my
23 way. So that I could find out, A, who their
24 dealer is and why they're calling us. Why not
25 sell our grids.

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Q. Okay. So to the best of your ability, can you repeat the conversation, the substance of the conversation you had with Mr. Luzinski when you spoke to him in the first conversation? What did he say to you when he called?

A. He told me that he was referred to us by All Granite & Marble, that they, you know, told him that he had an Artisan sink, and he was looking for a grid for his sink.

Q. Okay. What happened at that point?

A. Obviously I don't remember how the exact conversation ended. But I told him I would, you know, follow up with him because it's not -- you know, it's not our practice to sell retail. A red light went off, you know, because I had just recently met with Robert and knew that they weren't selling our sinks. So that's when the flag went up. And so it raised issues, you know, as to what do I do.

Q. Was this a recent installation? Was his sink recently installed, Mr. Luzinski, if you know?

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A. I don't know. I think it was maybe within a month time period, I believe.

Q. Okay. So what happened next in this process? Did you have another conversation with Mr. Luzinski? Did you visit him in person?

A. Yes. What I did I called him up and told him we would supply the grid for his sink and that I would personally come out to his home and deliver the grid for him.

Q. Okay. And did you do that?

A. Yes, I did.

Q. And did Mr. Luzinski, in fact, have an Artisan sink installed?

A. No, he did not.

Q. Was there any sort of logo on his sink that he had installed in his house?

A. Yes. It was a logo that had a fleur-de-lis on it with a -- you know, something else underneath it.

Q. So it had the All Granite crown logo on it.

A. Yeah. It had whatever they created, correct.

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Q. Now, did Mr. Luzinski directly state to you that he had been told that he was receiving an Artisan sink at the time that he purchased the sink?

A. I don't recall if he told me he did or not.

Q. Okay.

A. I know that he was told that he had an Artisan sink and to call us to get the grid.

Q. Okay. Did he tell you -- or do you recall, did he mention that he called All Granite following installation of his countertop and sink?

A. That was after the installation to find out -- to get the grid, yes.

Q. So, to the best of your knowledge, at the time he actually purchased the sink, there wasn't any representations made about whether there was an Artisan sink or not?

MR. MALTBIE: Objection.

A. I don't recall.

Q. Does Mr. Luzinski -- or did he tell you who he spoke to at All Granite when

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he called regarding the grid?

A. He did not -- he did not tell me that. But he -- oh, for just the grid for when he called there?

Q. Correct.

A. That I don't know.

Q. Do you know which office he dealt with? South Plainfield or --

A. He called South Plainfield.

Q. Is that where he purchased his countertop from?

A. That is where he got his from.

Q. Is it possible that when Mr. Luzinski called the All Granite showroom -- let me start over.

Do you know whether Mr. Luzinski told the employee who answered the phone at the All Granite showroom when he had purchased the sink?

A. When he had purchased the sink?

Q. Actually let me rephrase that, too.

Do you know if Mr. Luzinski told the representative of All Granite as to the

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time frame when his countertop sink had been installed at the time he called?

A. That I don't know.

Q. Okay. Is there any sort of written documentation about your conversations or visits with Mr. Luzinski?

A. No.

Q. Do you ever keep any notes on your computer, your log book?

A. I may have. I'd have to go back in my Outlook finder to see if I have something in there. To my recollection it would just be a visit, you know, a date.

Q. Do you typically log that into your book?

A. I typically log my appointments. That was -- to be truthful with you, he was kind of on my way -- he's on my way home so it was just, you know, Hey, I'll bring it to you, and it wasn't like an appointment where I'm coming out this day to...

Q. Okay. Did you end up leaving a grid with Mr. Luzinski?

A. No. Because it did not fit the
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sink.

Q. Did Mr. Luzinski have any complaints about his sink other than his lack of ability to find a grid, to the best of your knowledge?

A. To the best of my knowledge, that was it.

Q. Any complaints about the countertop installation or anything else with the job?

A. He did have a complaint with the project. I'll be honest with you, I don't remember what it was. He did have a complaint. You know, he was very upset once he found out that he didn't have an Artisan, though, because I guess after they had told him what he had, he had done some research into our product.

Q. Okay. Has there been any subsequent contact with Mr. Luzinski since your visit to his house that day delivering the grid?

A. I had had some contact with Mr. Luzinski but it was more so Mr. Luzinski, you
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know, concerned as to where he stood with not having an Artisan sink. And as of this date that's still -- you know, there is no conclusion to that so...

Q. Has anything been done to his countertop installation/sink? Has it been removed?

A. No.

Q. Bolted in any way, as far as you know.

A. No.

Q. Okay. Let's go to the second name on this list, Mr. Charles Nagle.

A. Um-hum.

Q. Do you recall speaking with him?

A. I did speak with Mr. Nagle.

Q. Okay. Would the process have started the same way? Would Mr. Nagle have called your company and left a message with customer service?

A. Yes.

Q. Would there have been a note created again?

A. Once again, we just use a -- just
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a call note, you know, to call this customer.

Q. Is there any record of that call note?

A. There isn't.

Q. Okay. Can you explain the substance of Mr. Nagle's call?

A. Once again, Mr. Nagle had -- actually had called us for a grid. I actually called Mr. Nagle to speak to him in reference to that to find out --

Q. So you returned his initial phone call.

A. No. I actually had called Mr. Nagle to see where he had purchased his sink from. There was a customer looking for a grid. I called him -- returned his call to find out who, where and how he, you know, got -- where he got his sink from, and he proceeded to tell me he received his sink when he purchased the countertop from the -- he was the Ridgefield location, I believe.

Q. Um-hum. And do you know whether Mr. Nagle was told at the time he purchased the sink that he was receiving an Artisan

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sink?

A. Yes.

Q. He was told at the time he purchased his sink?

A. Yes, he was. Mr. Nagle had not gone in looking for an Artisan sink, but had gotten several quotes from other granite fabricators who carried Artisan sinks and, therefore, when he was told he was getting an Artisan sink he felt very comfortable because the other locations that he had shopped for countertops had told him about our quality, the 16 gauge, you know, and he felt very comfortable with our product line. So when he heard that that's what he was getting he was -- he was happy.

Q. Do you know which other granite installers he shopped at for a quote?

A. I don't.

Q. Do you recall the time frame from when he had his countertop installed to when he called Artisan?

A. I don't know.

Q. Do you know whether Mr. Nagle

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J. AMABILE**called All Granite prior to calling Artisan?**

A. I don't know the answer to that. I want to say that he did call them. But I don't -- I don't recall.

Q. Okay. So following your phone call back to Mr. Nagle what happened next? Has there been additional communications with him?

A. No. He -- once again, he's obviously aware that he does not have an Artisan sink.

Q. Okay.

A. And that was -- that's really where it is at.

Q. Okay. Have you ever met him in person, Mr. Nagle?

A. I have not.

Q. So there was the one phone call with Mr. Nagle.

A. Yes.

Q. Okay. Thank you.**Skip the third name for now.****Let's go to Virginia Anderson, the fourth name on the list.**

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A. Okay.

Q. Is she in any way related to the Alice Anderson that appears above her?

A. Not that I know of. To the best of my knowledge, I don't know.

Q. Let's look at Virginia Anderson. Could you tell me the circumstances behind her contacting Artisan? Did it start the same way with the phone call to the company and a telephone message?

A. Yes.

Q. And the message was given to you.

A. Yes.

Q. And you returned her phone call?

A. Yes.

Q. Okay. Can you go from there?

A. Let me make sure I got my Andersons right.

Q. That's fine. Take your time.**Do you want to go on to the other names and skip the Andersons?**

A. Yeah, the two of them -- I get the two of them confused.

Q. Alice Anderson is the woman who

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J. AMABILE**prepared the declaration that we have in the case. Does that clarify it at all?**

A. Okay. Virginia Anderson then -- Virginia Anderson, her husband is a -- I want to say a mechanical engineer. He works with metal. He specifically was looking for a 16 gauge product. He sought out our product. He was told he was getting an Artisan. He called our office originally. I did not take the original phone call. I don't know who did to be honest with you. But he called because there was an issue with a -- also with a size discrepancy that he was looking for. And I guess he had gone to our website and what was our on website didn't match up with a sheet that he was given.

But he -- when I spoke to him originally, his main concern was, you know, is our product a 16 gauge, that's what I'm looking for. I assured him that, you know, yes, that it is. And at that time my original conversation with him, I don't even know that he had chosen a fabricator at that moment. He was I believe still in the shopping phase.

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2 Q. Okay.

3 A. But he was mainly concerned with
4 is our product a 16 gauge. And he -- that was
5 his big concern.6 Q. Now, has there been subsequent
7 communications with Mr. Anderson since that
8 conversation?9 A. I put in a call to Mr. Anderson
10 once we were aware of the situation that was
11 presented with us to see, you know, what the
12 situation was with his sink.13 Q. Has a countertop and sink been
14 installed at Mr. Anderson's home?

15 A. Yes.

16 Q. And was it an Artisan
17 installation?18 A. To the best of my knowledge, no.
19 He explained the logo to me. So, I mean, it
20 was -- I mean, I have not seen it in person
21 but I'm pretty confident it's not.22 Q. And to the best of your knowledge
23 was Mr. Anderson told at the time of the
24 purchase that he would receive an Artisan
25 sink?

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2 A. Yes. And that it would be 16
3 gauge.4 Q. And where did he -- if you know,
5 where did he purchase his sink? Was it
6 Ridgefield Park or South Plainfield?7 A. I want to say that he was South
8 Plainfield. I don't know for sure but --

9 Q. Okay. That's fine.

10 Okay. Let's tackle the next name.
11 Larry Luchan.

12 A. Um-hum.

13 Q. Okay. Let's start at the
14 beginning. Did this contact initiate the same
15 way with a telephone call to the company and a
16 phone message?17 A. Yes. Larry -- I have not
18 personally spoken to Larry. I do know that
19 Larry, A, purchased a countertop from All
20 Granite & Marble and that he's looking for a
21 grid. The scenario -- you know, the scenario
22 is laid out for the same exact situation that
23 everybody -- that most of them called looking
24 for a grid.

25 Q. Who spoke to Mr. Luchan on behalf

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2 of Artisan?3 A. It would be one of the customer
4 service women.5 Q. Okay. Did you attempt to call him
6 back?7 A. I did attempt to call him back. I
8 have not spoke to him, though.

9 Q. You left a message.

10 A. It's fairly recent, yeah. I
11 believe in Larry's case I don't think there is
12 a message. I mean, the phone just rings.13 Q. Okay. So you have no idea whether
14 he was told at the time of installation he was
15 promised an Artisan sink or not?

16 A. I don't.

17 Q. Okay.

18 A. I just know that he was told to
19 contact us, that he had an Artisan sink.

20 Q. Okay. Fine. Thank you.

21 Now, the final name on this list
22 is Paul Conrad and it indicates two
23 installations, also daughter's sink. What
24 does that mean?

25 A. All Granite did two installations

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2 for him, one for him and one for his daughter.

3 Q. Would that have been done at the
4 same time, as far as you know?

5 A. That I don't know.

6 Q. And, again, did he contact Artisan
7 and leave a phone message which was referred
8 to you?9 A. Yes. He contacted Artisan in
10 reference to purchasing grids.

11 Q. Did you call him back?

12 A. I did not, actually. One of the
13 customer service women in the office returned
14 his call which then, after that -- after that,
15 and they found out who he had purchased his
16 sink from, or his countertop from. In our
17 case, sink. You know, that's what we ask.
18 That's when it was given to me.

19 And then I had spoke to Mr.

20 Conrad. Mr. Conrad had basically once again
21 been told that he had an Artisan sink. I
22 believe he might have been referred to our
23 website which is where he got our number from
24 and called our number.

25 Q. Okay. Do you know whether he was

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2 told at the time he purchased the countertop
3 he'd be getting an Artisan sink or did this
4 happen subsequent to that? Do you know?

5 A. I don't know.

6 Q. Let's go back to Alice Anderson
7 and let's go ahead at this point and mark as
8 Defendant's 87 the declaration of Alice
9 Anderson.

10 (Defendant's Exhibit 87,
11 Declaration of Alice Anderson, marked for
12 identification as of this date.)

13 BY MR. SCHROEDER:

14 Q. Let me show you what's been marked
15 as Defendant's 87 which is the Declaration of
16 Alice Anderson.

17 Before we turn to the declaration,
18 let's just start with the background.

19 When did Ms. Anderson first
20 contact Artisan, if you know?

21 A. I don't know the initial contact
22 of Alice Anderson.

23 Q. Okay. Were you given a message
24 that she had called?

25 A. I would have been given a message
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2 Granite sold a bottom grid for the sink.

3 And do you know whether Ms.
4 Anderson told All Granite who she was when she
5 called the company?

6 MR. MALTBIE: Objection to form.

7 Q. Did she identify herself as Ms.
8 Anderson and I purchased a countertop a week
9 ago, do you know?

10 A. That I don't know.

11 Q. Okay. If we go back to paragraph
12 8, it states, "On January I was contacted by
13 Joseph Amabile of Artisan who explained to me
14 that the sink I received from All Granite may
15 not be an Artisan sink."

16 Can you tell me the substance of
17 the phone call you had with Ms. Anderson on
18 January 22nd?

19 A. Basically I phone called her
20 because of the initial contact with us. When
21 it first started coming to light, obviously we
22 kept track of who was -- where they got their
23 countertop -- sink from. So when I called --
24 you know, she was someone that had been given
25 to me that she called for a grid and was

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2 that she called. Yes.

3 Q. Who had the first contact with Ms.
4 Anderson on behalf of Artisan? Was that you?

5 A. I couldn't tell you. I wouldn't
6 have taken the original phone call, no.

7 Q. But would you have been the first
8 person to call her back and speak to her?

9 A. Yes.

10 Q. So you were the first person to
11 speak to her about --

12 A. In reference to this, yes.

13 Q. Okay. Fine.

14 Do you know the time frame when
15 you first spoke to her?

16 A. When I -- no.

17 Q. Okay. Well, actually, paragraph 8
18 indicates that you contacted her January 28th,
19 2008.

20 A. Okay. 27th.

21 Q. January 27th, 2008, correct.

22 If we back up to paragraph 5, Ms.
23 Anderson states that she called All Granite's
24 Ridgefield Park office to ask the name of the
25 manufacturer of the sink and whether All
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2 looking for -- and that she had purchased it
3 from there.

4 Q. Um-hum.

5 A. So I called her to ask her some
6 questions about that. So I asked her to, you
7 know, describe the sink to me, describe the
8 logo. She described exactly what we know to
9 be, you know, the counterfeit logo. And
10 that's -- that was really it.

11 I explained to her exactly what it
12 says here, that this was taking place. She
13 said that she had been referred -- she had --
14 I believe she had gotten our phone number off
15 of our website which -- like it says in here,
16 that she had seen the logo which was similar.

17 Q. Okay. In paragraph 9, "We
18 subsequently spoke to an attorney for
19 Artisan."

20 Do you know who that would have
21 been? Would that have been Mr. Maltbie?

22 A. I don't know.

23 Q. Okay. Take a look at paragraph
24 10. She says, "While I did not go to All
25 Granite seeking to have an Artisan sink

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2 installed in my home, All Granite did inform
3 me that they would be installing a quality 16
4 gauge stainless steel sink."

5 Now, did you discuss that with Ms.
6 Anderson? Did she actually tell you that she
7 was under the impression that she would get a
8 16 gauge sink at the time she purchased the
9 countertop?

10 A. I don't recall but I would say
11 yes, she did.

12 Q. Okay. And she says, "...following
13 the installation, told me that Artisan was the
14 manufacturer of the sink."

15 Okay. In your mind is it possible
16 that when a customer such as Mrs. Anderson
17 calls up All Granite and says "I have a
18 countertop and sink installed," you know,
19 "where do I get a bottom grid," could the All
20 Granite representative honestly believe that
21 an Artisan sink was installed in this
22 customer's house?

23 A. Could they honestly believe it was
24 an Artisan sink?

25 Q. Well, let's back up. All Granite
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2 in the past did install Artisan sinks for a
3 period of time.

4 A. Correct.

5 Q. So is it possible when a customer
6 calls up All Granite and says "I have a
7 countertop and sink installed, where do I go
8 for a bottom grid," could the representative
9 of All Granite think maybe they had an Artisan
10 sink installed?

11 MR. MALTBIE: Objection to form.
12 It's highly speculative.

13 Q. You can answer if you have any
14 idea.

15 A. I would think that if they were
16 trained to sell an Artisan sink and were
17 currently in that process of still selling
18 Artisan sinks, then, yes, they would tell them
19 to call us.

20 Q. In your opinion, is it possible
21 that the All Granite representative was simply
22 sending business to you as a courtesy knowing
23 that they don't have or didn't have grids to
24 offer these customers?

25 MR. MALTBIE: Objection to form.
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2 A. Could you rephrase that a little
3 bit?

4 Q. Sure. Let's repeat that.

5 For example, if a customer called
6 up Artisan looking for a plumbing fitting
7 which Artisan doesn't carry and you told the
8 customer We don't have that, why don't you try
9 Home Depot or Lowes --

10 A. Um-hum.

11 Q. -- could that be a similar
12 situation with the customer calling up All
13 Granite and the All Granite representative
14 saying, Well, we don't carry bottom grids, why
15 don't you try Home Depot, why don't you try
16 Artisan?

17 MR. MALTBIE: Objection to form.

18 A. I would say no. In every case
19 that I've spoken to the customers that are on
20 there, they made it pretty clear to me without
21 probing for information that they were clearly
22 told they purchased an Artisan sink.

23 Q. Now, if one of those customers had
24 this countertop sink installed a year ago
25 there's a good chance that it would have been

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2 an Artisan sink, correct? Time period wise, a
3 year, two years ago, during the period that we
4 were.

5 A. If they were selling the
6 product.

7 MR. MALTBIE: Objection to form.

8 Do you want to show him the invoices and
9 the dates those invoices are?

10 Q. We don't need to actually know the
11 actual dates.

12 But during the time period that
13 All Granite was carrying Artisan sinks if the
14 customer called up and said where do I buy a
15 bottom grid --

16 A. Red flag.

17 Q. -- the response from the
18 representative could have been, you know,
19 please check with Artisan or why don't you
20 check with Artisan.

21 MR. MALTBIE: Objection to form.

22 A. It could have been. But it
23 would -- it is not our practice once again for
24 any of our dealers to -- we want them to sell
25 our product.

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Q. Okay. I guess the point that I was trying to probe with you is the fact that a representative of the company when a customer called up and says, you know, Where do I get the bottom grid for my sink, the fact that a representative allegedly says, you know, Please contact Artisan, could be simply a referral of business to Artisan, rather than any attempt to trade on Artisan's good will. At that point the sink has already been installed. There's no benefit to Artisan to give them your name or not give them your name at that point.

MR. MALTBIIE: Objection to form.

Q. Is that a reasonable assessment in your mind?

MR. MALTBIIE: Objection to form.

A. Except for the fact that, you know, in my meeting with Robert I clearly state that one of Artisan's policies is not to sell retail. If he was the marketing manager which I believe he was, you know, that information is there. We don't sell retail, period. It's one of our -- and has always

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would have the grid to fit it.

Q. Okay. Thank you.

All right. Back to Ms. Anderson's declaration. And let's take a look at paragraph 10. The sentence that reads, "Moreover, now that I have learned that Artisan is not the manufacturer, I have become concerned about the quality of the sink, whether any issues relating to the sink might jeopardize the more than \$5,000 investment that I made in the countertop."

Okay? Do you see that?

A. Yes, I do.

Q. Now, Ms. Anderson admits that she received the free sink and did not inquire as to the manufacturer of such sink, correct?

MR. MALTBIIE: Objection to form.

Misstates the testimony -- misstates what the declaration says.

Q. Do you agree that Ms. Anderson did not seek the identity of the manufacturer at the time she purchased her sink? Is that an accurate statement?

A. Yes.

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been prior to me coming on board, one of the things that we do not do. And that would have been clearly expressed from day one from whoever was the initial contact with All Granite & Marble.

Q. Not to beat this issue up too much but just to maybe distinguish between the allegations from the various customers, certain customers you've indicated were allegedly told at the time they purchased the sink that it would be an Artisan sink, versus other customers who after the sink was installed contacted the company to inquire about accessories. In your mind, is there a difference between those two situations?

MR. MALTBIIE: Objection to form.

A. In my mind there's not a difference. In speaking with the customers they clearly stated they were told they had an Artisan sink. It wasn't that they were referred to us to get a grid for their sink because we make one that would fit the one that they have. They were told to call us. We were the manufacturer of their sink and we

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Q. Does it make sense in your mind that she's concerned at this point about the sink manufacturing quality but wasn't concerned about the sink manufacturing quality back at the time she received it for free?

MR. MALTBIIE: Objection to form.

Mischaracterizes the statement.

Q. Well, let me see if I can clarify that a little bit for you.

If the manufacturing quality of the sink is really that big a deal to Ms. Anderson why wouldn't she have asked at the time she purchased the sink who manufactured it?

MR. MALTBIIE: Objection to form.

Q. You can answer if you have any idea.

MR. MALTBIIE: If you can read Ms. Anderson's mind you can answer the question.

A. Well, I was just going to say that I can't answer that for Ms. Anderson.

However, it does clearly state that she was informed that the sink would be

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2 installed as a 16 gauge stainless steel sink.
3 If she had done some homework on her part she
4 would have found that 16 gauge is superior
5 quality in the industry.

6 Q. Thank you.

7 Do you have complete addresses for
8 all of the names identified in interrogatory
9 number 1?

10 A. For each one I believe yes, I do.

11 Q. Okay. Thank you.

12 MR. SCHROEDER: Let's mark this
13 next document as Defendant's 88.

14 (Defendant's Exhibit 88, document
15 bearing production numbers ART 00237
16 through ART 00240, marked for
17 identification as of this date.)

18 BY MR. SCHROEDER:

19 Q. Let me show you what's been marked
20 as Defendant's 88. These were documents that
21 were recently produced to us by Mr. Maltbie.

22 Do you know where these documents
23 came from?

24 A. These came from Ms. Poynter's
25 home.

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2 Q. Who is Ms. Poynter?

3 A. Ms. Poynter is a customer that
4 contacted me initially I believe via e-mail
5 which she got off of our website.

6 Q. When did that first contact take
7 place?

8 A. I'd have to go back into my e-mail
9 files. She was -- she was a while ago because
10 she did -- she dragged her feet to get back to
11 me. I want to say it was almost probably
12 maybe prior to Christmas.

13 Q. And what was the purpose of her
14 contacting you?

15 A. She had contacted our -- sales at
16 Artisan Sink e-mail address in reference to
17 locating a grid for her sink.

18 Q. Okay. And subsequent to that
19 e-mail have you actually spoken to Ms.
20 Poynter?

21 A. I did finally speak with Ms.
22 Poynter I guess it was about a week ago.

23 Q. Okay. And what was the substance
24 of that conversation?

25 A. That was mainly once again to find
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2 out, A, who she got her sink from and who it
3 was installed by which actually at that time
4 she -- I had already known that because she
5 did send it to me in an e-mail that she
6 purchased it from them. She was told, you
7 know, by them that she -- that the sink that
8 she had was an Artisan sink.

9 Q. And she was told that when? When
10 she purchased it or --

11 A. Yes.

12 Q. When she purchased it she was told
13 that.

14 A. Yes.

15 Q. Did she contact the company
16 subsequent to the installation to inquire
17 about grids or manufacturers' names or
18 anything as far as you know?

19 MR. MALTBIIE: Objection to form.

20 What company are we talking about?

21 MR. SCHROEDER: Let me rephrase
22 that question.

23 Q. To the best of your knowledge, did
24 Ms. Poynter contact All Granite subsequent to
25 the installation of her countertop sink?

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2 A. I don't recall the e-mail. I'd
3 have to go back and read the initial e-mail
4 contact. I don't recall.

5 RQ MR. SCHROEDER: Can I ask and note
6 on the record that Mr. Amabile produce
7 that e-mail?

8 MR. MALTBIIE: Sure.

9 Q. Okay. Back to the substance of
10 the conversation, Mr. -- Ms. Poynter was
11 looking for a grid for her sink?

12 A. That is correct.

13 Q. And what is the status of that
14 situation right now?

15 A. Once again, she doesn't -- there
16 is no status. She doesn't have a grid.
17 That's where it's at.

18 Q. Were you able to verify the
19 manufacturer of the sink that was installed in
20 Ms. Poynter's home?

21 A. It was the crown logo.

22 Q. An All Granite sink.

23 A. Yes.

24 Q. Did you actually observe it
25 yourself?

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2 A. I did not. I did not go out to
3 Ms. Poynter's home.4 Q. Was it simply the one conversation
5 with Ms. Poynter that took place?6 A. That I had? One full
7 conversation, correct.8 Q. Has anyone else in the company
9 spoken to Ms. Poynter?10 A. Chuck Volga who would have -- he's
11 the one that went out to Ms. Poynter.

12 Q. So he actually visited her.

13 A. Yes.

14 Q. Visited her home.

15 A. Yes.

16 Q. When would that have taken place,
17 if you know?18 A. Once again, it was recently.
19 Within the past week.20 Q. And is that at the point when you
21 obtained the copies that are marked here as
22 Defendant's 88?

23 A. Correct.

24 MR. SCHROEDER: Okay. Let's go
25 ahead and mark this photograph at
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2 Defendant's 89.

3 (Defendant's Exhibit 89,
4 photograph bearing production number ART
5 00243, marked for identification as of
6 this date.)

7 BY MR. SCHROEDER:

8 Q. Let me show you a photograph which
9 has been marked as Defendant's 89 and
10 represent to you that this was a sheet
11 produced to me recently by Mr. Maltbie, your
12 attorney.

13 Do you know where this came from?

14 A. I know that it came from Ms.
15 Poynter's home.16 Q. Okay. Would this have been a
17 photograph -- did Mr. Volga take this
18 photograph?

19 A. Yes, he did.

20 Q. So, to the best of your knowledge,
21 this is a photograph that Mr. Volga took of
22 the sink installed in Ms. Poynter's home.

23 A. Correct.

24 Q. Do you know if Ms. Poynter had any
25 issues with the quality of sink installed in
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2 her home? Any complaints?

3 A. That I am not aware of.

4 MR. SCHROEDER: Let's mark the
5 next document as Defendant's 90.6 (Defendant's Exhibit 90, document
7 bearing production numbers ART 00241
8 through ART 00242, marked for
9 identification as of this date.)

10 BY MR. SCHROEDER:

11 Q. Showing you what's been marked as
12 Defendant's 90, and again I'll represent to
13 you that these documents were recently
14 provided to us by Mr. Maltbie, these two
15 sheets. Do you know where these came from?

16 A. Ms. Poynter's home.

17 Q. She gave these to Mr. Volga when
18 he visited?

19 A. Correct.

20 Q. And did Ms. Poynter advise Mr.
21 Volga where they came from?

22 A. Yes, she did.

23 Q. And what did she tell him?

24 A. She told him that they came from
25 All Granite & Marble. She had originally told
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2 me she had these documents when I spoke to
3 here originally on the phone.4 Q. And did she give you any
5 additional detail about how she acquired them?6 A. That they were given to her by her
7 salesperson at All Granite & Marble.8 Q. Okay. Looking back at Defendant's
9 88, it's hard to see but it looks like in the
10 first page it indicates Ridgefield Park.

11 A. Correct.

12 Q. Did she confirm that's where she
13 purchased the countertop?

14 A. Yes.

15 Q. And the date on the document, one
16 is dated 11/12 and it looks like the work
17 order, 11/5.18 To the best of your knowledge, is
19 that the time period when she had this
20 countertop installed?

21 A. To the best of my knowledge.

22 Q. And would that have been the time
23 when she would have received this brochure?24 A. Yes. She was given that. If I
25 remember her conversation correctly, she was
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2 given it at the time when she went in to
3 purchase the countertop.

4 **Q. Do you know whether Ms. Poynter**
5 **visited any other countertop installers during**
6 **that period of time?**

7 A. No.

8 **Q. You don't know or she didn't**
9 **visit?**

10 A. I don't know.

11 **Q. Okay.**

12 A. This paper is very similar to the
13 paper I saw when I was in All Granite visiting
14 their location.

15 **Q. So you mentioned earlier -- you**
16 **testified earlier about the white spec sheet.**

17 A. Yes.

18 **Q. It looked similar to this.**

19 A. Yes.

20 **Q. So when you mentioned that you saw**
21 **a reference to Artisan on it, is that the**
22 **reference at the top of the page that I see?**

23 A. Correct.

24 **Q. Looking at Defendant's 90, does**
25 **that depict an Artisan sink?**

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2 A. It depicts a D-bowl shape which is
3 one of our sinks, yes.

4 **Q. Do those dimensions, if you can**
5 **even read those dimensions, do they correspond**
6 **to the dimensions of an Artisan sink in that**
7 **time range?**

8 A. I can't read them. I'll be honest
9 with you, off the top of my head -- I wouldn't
10 know the actual dimension off the top of my
11 head.

12 **Q. Okay. Do the specifications**
13 **appearing under this, do they match the**
14 **specifications associated with Artisan sinks?**

15 A. Well, they match -- the model
16 number is a good model number.

17 **Q. That's the model number at the top**
18 **or the model number down near the --**

19 A. Either -- well, I believe they're
20 the same. But the model number down here is
21 one of our model numbers which was a 17 gauge
22 product. You know, fully coated rubber pads
23 to the best of my knowledge would represent an
24 Artisan sink. The depth is the same as our
25 product also. Sixteen gauge or 17 gauge at

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2 the time.

3 **Q. It was 17 gauge at that time?**

4 A. At this time, no, it would have
5 been 16 gauge.

6 **Q. Was it ever 17 gauge, an Artisan**
7 **sink?**

8 A. Way back maybe when All Granite
9 started dealing with Artisan.

10 **Q. Would Artisan have given All**
11 **Granite a spec sheet like this to distribute?**

12 A. To the best of my knowledge, no.

13 **Q. Why do you say that?**

14 A. Well, I don't -- just because I'm
15 going by what I do in my territory right now,
16 I don't provide something like this. I've
17 never seen a sheet like this. To me this is
18 something that's produced -- was produced by
19 them. The situation here of -- is -- they
20 have on here a 204 nickel bearing stainless
21 steel where it's a 304. She told me on the
22 phone that she hand wrote a 3 over that
23 because they told her it was 304 because she
24 had inquired. So just -- you know, it's not a
25 sheet that we would have given them.

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2 **Q. I may have asked you this but did**
3 **you tell me that Ms. Poynter was advised at**
4 **the time that she purchased the sink that it**
5 **would be an Artisan sink?**

6 A. Yes. She was given this. She
7 told me on the phone she was given this
8 Artisan sheet on the phone at the time of
9 purchase.

10 **Q. To the best of your knowledge,**
11 **does she have any complaints or issues with**
12 **the sink that's been installed in her home?**

13 A. To the best of my knowledge, no.

14 **Q. And is she still looking for a**
15 **grid for that sink?**

16 A. Um-hum.

17 **Q. To the best of your knowledge, has**
18 **Ms. Poynter contacted All Granite since the**
19 **installation of her sink?**

20 A. I don't know the answer to that.
21 To the best of my knowledge, I don't know.

22 MR. SCHROEDER: Take a five-minute
23 break.

24 (Recess taken.)

25 BY MR. SCHROEDER:

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1 Q. Let's go back on the record.

2 A. The initial contact with Mr.
3 Nagle -- came into our office was because Mr.
4 Nagle -- Mr. Nagle had been told he was
5 getting an Artisan sink. He had gone to our
6 website and there was a discrepancy between
7 the size of the sink between our
8 specifications there and the specifications he
9 was given by All Marble because he was very
10 concerned with the height of the sink and his
11 drain outlet height that he had currently
12 coming out of the wall.

13 Now, I did not have that
14 conversation with him but he told me when I
15 spoke to him on the phone that that was his
16 initial contact with us was in reference to
17 those measurements.

18 Q. And do you know who he spoke to
19 originally at the company?

20 A. I don't.

21 Q. Would it have been a customer
22 service representative?

23 A. It may have been. But he was --
24 his initial contact with us was in reference
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1 to that. And he was directed to -- you know,
2 that it was an Artisan prior to the install of
3 that sink in his home.

4 MR. SCHROEDER: Let's mark this
5 next document as Defendant's 91.

6 (Defendant's Exhibit 91, document
7 bearing production numbers ART 00022
8 through ART 00042, marked for
9 identification as of this date.)

10 BY MR. SCHROEDER:

11 Q. Showing you what's been marked as
12 Defendant's 91, have you seen that report
13 before?

14 A. I have not.

15 Q. Okay. You are --

16 A. I don't believe I have. I've seen
17 so many things I don't know what I've seen
18 now.

19 Q. You are aware, though, that
20 Artisan retained a PI firm to investigate the
21 South Plainfield location.

22 A. Yes, I am.

23 Q. And that the private investigator
24 filed a declaration in this lawsuit?

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1 A. Yes, I am.

2 Q. Have you ever met the private
3 investigator?

4 A. I have.

5 Q. She visited your location prior to
6 conducting this investigation, correct?

7 A. Yes.

8 Q. And attached to her report are
9 photographs. Let's turn to what's marked as
10 ART 32.

11 A. (Witness complies.)

12 Q. Do you recognize those
13 photographs? I believe that's the front of
14 the building in South Plainfield.

15 A. Yes.

16 Q. Do you recognize that?

17 A. Yeah. It looks like it, yes.

18 Q. Okay. Let's turn to the next page
19 which is indicated as ART 33. The upper
20 photograph, the double doors. I'm not sure
21 whether that's inside or outside. But the
22 lower photograph appears to be a photograph of
23 the interior of the showroom.

24 A. That's correct.

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1 Q. And do you recall when you visited
2 the showroom, this would have been following
3 your visit to Ridgefield Park.

4 A. Um-hum.

5 Q. Did you walk into this showroom as
6 far as you recall?

7 A. Yes.

8 Q. Okay. And if we turn to the next
9 page as well, this may be a better photograph,
10 on page ART 34, the top photograph shows the
11 showroom. Do you recall walking through the
12 showroom?

13 A. Um-hum.

14 Q. Okay. Now, you indicated earlier
15 that you saw -- let me make sure I get this
16 right. I believe you said earlier you saw
17 some spec sheets in the Ridgefield Park
18 location as well; is that correct?

19 A. Ridgefield Park location?

20 Q. I apologize. South Plainfield
21 location.

22 A. Yes.

23 Q. From the photographs that are
24 attached can you tell me where those spec
25 sheets are?

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2 sheets were displayed?

3 A. There is another room.

4 Q. Okay. Maybe if we take a look at
5 ART 36, would that help? The upper
6 photograph?

7 A. Yeah. I believe this is the sink
8 room.

9 Q. Okay.

10 A. Right here there was a counter
11 where the sheets were displayed. And on the
12 wall here I believe this wraps around with
13 more sinks. On that wall is where that -- the
14 poster with the prices were.

15 Q. To be clear, I thought you
16 indicated that the poster was in the
17 Ridgefield Park location.

18 A. There was also one in this
19 location here.

20 Q. There's a poster in this one as
21 well?

22 A. Yeah, um-hum.

23 Q. And that poster -- let me ask you,
24 what did that poster depict?

25 A. Once again, it was line drawings

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2 this paper is in the sink -- this is the first
3 time I'm seeing these pictures. If this is in
4 the sink like this, that that was not like
5 that when I went there.

6 Q. Okay. Let's jump back to ART 27.
7 Have you ever seen this spec sheet before?

8 A. I have not seen this.

9 Q. Is this something that would have
10 been created by Artisan?

11 A. No.

12 Q. Does this correspond to any spec
13 sheets that Artisan produces?

14 A. No.

15 Q. Are any of these model numbers
16 Artisan model numbers, to the best of your
17 knowledge?

18 A. To the best of my knowledge, no.

19 Q. Okay. So if we refer back
20 again -- if you hold this page and refer back
21 again to ART 38 --

22 A. Um-hum.

23 Q. -- the sink at the top there is
24 indicated as an 8455R sink, \$250. If you go
25 back to the spec sheet that's shown near the

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2 with pricing of sinks.

3 Q. Was it a document created by
4 Artisan?

5 A. No.

6 Q. Did it mention Artisan on it?

7 A. It had model numbers. One of the
8 model numbers I did recognize as mine. Once
9 again, I wasn't afforded enough time to stand
10 in there and look at the things I would
11 normally look at as a sales manager, so to
12 speak.

13 Q. Okay. Let's take a look at what's
14 indicated to be ART 38. Now, according Ms.
15 Davies' report, the sink shown in the upper
16 photograph on ART 38, the 8455R sink, is a
17 sink that she looked at during her first visit
18 and a sink that she confirmed to be the
19 Artisan sink bearing the fleur-de-lis.

20 A. Okay.

21 Q. Do you recall from your visit to
22 that location, was that the sink that you
23 observed to be the Artisan sink, if you
24 recall?

25 A. I don't recall. I can recall if

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2 bottom as being a dual bowl sink.

3 A. Correct.

4 Q. Okay. Is that the sink that was
5 actually installed in your house during this
6 installation?

7 A. No.

8 Q. Looking at the spec sheet, did you
9 have installed the AF590-529 sink?

10 A. Yes.

11 Q. And that's the sink that's shown
12 if you refer back to 38 in the lower
13 photograph, correct?

14 A. Yes.

15 Q. Ms. Davies noted in the report and
16 I believe noted in the declaration as well
17 that All Granite removed your old countertop
18 from your kitchen.

19 A. Um-hum.

20 Q. Did you pay them for that removal?

21 A. Yes.

22 Q. And I notice that the countertop
23 was left in your driveway.

24 A. Correct.

25 Q. Were they supposed to cart that

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2 away?

3 A. To the best of my knowledge, yes.
4 That was what was paid for.

5 Q. Is that in any documentation that
6 they would cart it away?

7 A. No, I don't believe so.

8 Q. Was Ms. Davies told that piece of
9 information?

10 A. Yes, she was told that
11 information. I called her to verify that.

12 Q. And what happened to the old
13 countertop that was in your driveway?

14 A. It's in a Dumpster at -- it was
15 thrown away. I took it and got rid of it.

16 Q. You took it to a Dumpster.

17 A. Yeah. At our office.

18 Q. Okay. Thank you.

19 MR. SCHROEDER: Now I'm going to
20 mark this next document as Defendant's
21 92.

22 (Defendant's Exhibit 92, document
23 bearing production number ART 00178,
24 marked for identification as of this
25 date.)

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2 the Artisan sink bearing the fleur-de-lis.

3 A. Um-hum.

4 Q. Now, in your declaration if we
5 look in paragraph 4 of your declaration, it
6 states that the genuine Artisan sink that Ms.
7 Davies ordered has a suggested retail price of
8 525.

9 Now, to be clear, when we look at
10 the spec sheet, if you know, are we referring
11 to -- I see the sink that has a list price of
12 525 is the A2321D9 which is shown here on the
13 left-hand column as being a --

14 A. 2321.

15 Q. -- dual basin sink?

16 A. Which one are you looking at?

17 Q. The one that has a list price of
18 525.

19 A. Is an A2321 which is a single
20 D-bowl.

21 Q. A single -- I look down in the
22 photograph, am I seeing a --

23 A. No, 2321D9 (indicating).

24 Q. 2321D9. Okay. So we're looking
25 up here at the top as being a single D-bowl.

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2 MR. SCHROEDER: And let's go ahead
3 and mark this final document as
4 Defendant's 93.

5 (Defendant's Exhibit 93,
6 Declaration of Joseph Amabile in Support
7 of Plaintiff's Motion For A Preliminary
8 Injunction, Temporary Restraining Order
9 And Order For Expedited Discovery, marked
10 for identification as of this date.)

11 BY MR. SCHROEDER:

12 Q. Let me show you what's been marked
13 as Defendant's 92 and Defendant's 93.
14 Defendant's 92 is an Artisan spec sheet, one
15 of the documents that you produced to us.

16 Do you recognize that?

17 A. Yes, I do.

18 Q. And Defendant's 93 is your
19 Declaration which you prepared and signed. Do
20 you recognize that?

21 A. Yes, I do.

22 Q. And let's at the same time in the
23 private investigation report, would you refer
24 back to that -- on page 38 that shows the
25 8455R sink which Ms. Davies indicates to be

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2 A. Correct.

3 Q. Okay. That's the sink that --

4 A. That is the sink that's in my
5 home. Or the style of the sink that's in my
6 home.

7 Q. The style of the sink that's in
8 your home.

9 A. That's correct.

10 Q. Okay. Do you know whether the
11 sink appearing in the photograph on page ART
12 38 in the upper photograph, 8455R, if that is
13 a single basin or a double basin sink?

14 A. Not from that picture, no, I don't
15 know.

16 Q. And you don't recall from when you
17 visited the location whether there was a
18 single basin or a double basin.

19 A. That I don't recall.

20 Q. Now, if I refer your attention
21 back to page 27 of that document, that
22 indicates the sink as being a double basin
23 sink, correct?

24 A. Yes. According to that model
25 number, yes.

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2 Q. Okay.

3 MR. SCHROEDER: Let's just take a
4 short break and I'm just going to wrap it
5 up.

6 (Recess taken.)

7 BY MR. SCHROEDER:

8 Q. Back on the record.

9 I just have a few final questions
10 and we'll wrap this up.

11 Just to clarify, back when you
12 visited the Ridgefield Park location for the
13 first time, the first visit when you were told
14 Robert's name initially --

15 A. Um-hum.

16 Q. -- you indicated that you saw in
17 there some white sheets that had at least a
18 reference to the name Artisan on them.

19 A. Yes.

20 Q. And they had some sort of design
21 specifications on them.

22 A. Yes, they did.

23 Q. Was there more than one sink shown
24 on those design sheets, if you recall?

25 A. I don't recall on the sheet. I

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2 know the poster definitely had more than one
3 sink. The sheet I don't recall if it was just
4 one or if it was multiple.

5 Q. And on the poster you said you
6 don't remember seeing the Artisan name but you
7 saw Artisan model numbers.

8 A. A model number. You know, an
9 older model number.

10 Q. All right. And just to be clear,
11 in the Ridgefield Park location, your first
12 visit, could you tell me where the poster was
13 displayed in the showroom, if you recall.

14 A. If I recall correctly, it was by
15 the sink pull-out display.

16 Q. Okay. And is that in the rear
17 portion of the showroom, if you recall?

18 A. That is -- no, it's right when you
19 walk through the door there's a hallway that
20 goes -- not a hallway but a wide -- we'll call
21 it a hallway -- goes to offices which is --
22 and that's right where it was. Like, as you
23 come through the door right on your left-hand
24 side.

25 Q. All right. And you indicated that

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2 the white sheets were in that same general
3 location.

4 A. Yes.

5 Q. Okay. And just to confirm. Back
6 in the South Plainfield location those were
7 the photographs we looked at earlier attached
8 to the PI report.

9 A. Correct.

10 Q. The same type of sheets you
11 indicated you observed in that location.

12 A. Right. They were on the
13 countertops.

14 Q. And, again, there was a poster
15 also?

16 A. On the wall.

17 Q. How large a poster was that?
18 Eight and half by eleven? Eight and a half by
19 14?

20 A. A little bit -- I want to say
21 maybe the size of that place mat over there
22 (indicating).

23 Q. Eleven by 17?

24 A. Yeah. About 11 by 17. In that
25 ballpark.

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2 Q. Was it something that looked like
3 it was professionally created?

4 A. No. It looked like something that
5 was created by them.

6 Q. Like on a photocopy machine?

7 A. Possibly.

8 Q. A printout from a computer?

9 A. Possibly a printout from a
10 computer.

11 Q. And the poster -- back to the
12 Ridgefield Park location, was that the same
13 type of poster, that size?

14 A. Yes.

15 Q. And type?

16 A. Yes.

17 Q. Do you recall whether it was the
18 same poster?

19 A. I don't. I would assume but I
20 don't recall if it was exactly the same.

21 MR. SCHROEDER: Thank you. No
22 further questions. Thank you for coming
23 in today and taking the time to talk to
24 us.

25 MR. MALTBIIE: I just have a few

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2 questions.

3 EXAMINATION BY
4 MR. MALTBIE:

5 Q. I just want to clarify one issue
6 that came up earlier and that was with respect
7 to Defendant's Exhibit 82 which I'll show you
8 and Defendant's Exhibit 83. Artisan does, I
9 believe you testified earlier, manufacture an
10 18 gauge sink; is that correct?

11 A. Correct, we do.

12 Q. And the sink, the 18 gauge sinks
13 that are currently in Artisan's line are I
14 believe you said eight-inch depth sinks.

15 A. Correct. All models except for
16 one of the double bowls which is an eight and
17 seven.

18 Q. And are those 18 gauge sinks --
19 are the model numbers for those 18 gauge
20 sinks, the models numbers that are listed on
21 the second page of this UPC certification
22 report?

23 A. Yes.

24 Q. Look back at what was marked as
25 Defendant's Exhibit 82 which refers to some 18
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2 put -- it was probably about a 12-inch gouge
3 in one of my cabinets which they used a black
4 Magic Marker to cover up.

5 They also upon installing the new
6 one I found out, I'm assuming in the taking
7 out of my old countertop or in the
8 installation of, at some point between there
9 they broke my dishwasher which was operable at
10 the time of having the work done.

11 Q. Just to go back to the issue with
12 respect to the clips --

13 A. Um-hum.

14 Q. -- is training with respect to
15 proper installation of Artisan sinks something
16 that you would provide to a dealer or
17 distributor of Artisan sinks?

18 A. Most dealers once again doing
19 undermount sink work, that is common
20 installation practices undermount sinks is to
21 use the clips. As a matter of fact, it's a
22 common question that we get asked, are the
23 clips provided with our sinks.

24 Q. And are they provided with your
25 sinks?

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2 gauge sinks which are nine-inch depth. Are
3 you aware if sinks with those specifications
4 are part of Artisan's current offering?

5 A. They are not.

6 Q. And one other issue. With respect
7 to the installation by All Granite of a sink
8 in your home, based upon your experience in
9 both home remodeling and the plumbing
10 business, how would you characterize the
11 installation of the sink in your home?

12 A. Definitely less than satisfactory.
13 The actual installation of the sink was not --
14 was not done by your standard procedures in
15 the undermount sink business which
16 manufacturers provide mounting clips which get
17 drilled into the granite and then the clip is
18 then used to hold the sink along with epoxy.

19 All Granite basically took shards
20 of granite and basically used them as clips,
21 just epoxied them up underneath my countertop.

22 In the removal of the countertop
23 in my home that was existing, or on the
24 installation of the new one -- it was on the
25 removal of the existing countertop, they
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2 A. Absolutely.

3 MR. MALTBIE: No further
4 questions.

5 MR. SCHROEDER: Let me just
6 redirect a couple quick questions here.
7 EXAMINATION BY
8 MR. SCHROEDER:

9 Q. Now, you stated that overall
10 your -- the installation was less than
11 satisfactory and you mentioned a number of
12 complaints in response to Mr. Maltbie's
13 questions.

14 A. Um-hum.

15 Q. Are those complaints the reason
16 why you characterize the installation as less
17 than satisfactory?

18 A. Yes.

19 Q. Were there any concerns with the
20 actual countertop that was provided?

21 A. The actual countertop, itself, no.

22 Q. Is the countertop still installed
23 within your home?

24 A. Yes, it is.

25 Q. Is the sink still installed within
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2 your home?

3 A. Unfortunately, yes.

4 Q. What type of countertop did you
5 have prior to this new countertop being
6 installed?

7 A. A Formica countertop.

8 The sink would be changed if I
9 could change it.

10 Q. Now, in response to Mr. Maltbie's
11 question you spoke about the way the sink was
12 installed and the clips that in your case
13 weren't used you testified.

14 A. Correct.

15 Q. Is it your opinion in your
16 experience that clips like that are used to
17 install undermount sinks?

18 A. Yes.

19 Q. Is that always the way they're
20 installed?

21 A. I've never seen it done any other
22 way.

23 Q. And you testified that you supply
24 these clips with your undermount sinks.

25 A. Yes, we do.

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2 Q. Did you follow up with All Granite
3 about any of the concerns that you pointed out
4 to Mr. Maltbie?

5 A. I didn't feel that we could,
6 obviously, because it was part of an
7 investigation.

8 Q. Have you documented any of these
9 concerns? By that I mean photographs? Has
10 anyone else seen these issues?

11 A. Well, yeah. You know, Chuck Volga
12 has been at my home. He saw the gouge in the
13 cabinet. Obviously, the dishwasher not
14 working is still there so you can -- it's
15 sitting there.

16 Q. Do you have any idea why the
17 dishwasher isn't working?

18 A. Yeah. Because when you -- a
19 dishwasher is mounted to the underside of a
20 Formica countertop, it's screwed in, and
21 apparently when they disassembled that somehow
22 they broke the handle that closes the
23 dishwasher and locks it. So basically if the
24 it doesn't lock you can't turn it on.

25 Q. So you need a new handle for your
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2 dishwasher?

3 A. Essentially, I mean, yeah. If it
4 could be gotten you could replace that whole
5 mechanism I would assume.

6 Q. You mentioned a scratch in your
7 cabinet that resulted when the old countertop
8 was removed.

9 A. Yes.

10 Q. Where is that cabinet located with
11 respect to your countertop?

12 A. It's a pantry cabinet that's on
13 the end run of my countertop. So the main
14 part of my kitchen.

15 Q. So was it removed actually during
16 the removal of the countertop or the carrying
17 of the old countertop out of the house?

18 A. I would imagine -- once again, I
19 wasn't -- didn't physically see it happen. I
20 would imagine just from my, you know, having
21 installed product, that possibly when they
22 lifted the countertop up they didn't realize
23 that the bottom of the countertop as they're
24 lifting it up into a position that's wedged,
25 would come up and the angle is going to make

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2 it greater than the area that they had to take
3 it out of. So they just rubbed the cabinet
4 and gouged the cabinet.

5 Q. What kind of cabinets do you have
6 in your home?

7 A. Wood.

8 Q. Stained, painted?

9 A. They're stained. Dark stained.

10 Q. Has that been corrected yet?

11 A. No. That's -- well, they
12 attempted to correct it. They used black
13 Magic Marker.

14 Q. Did they point this out to you
15 when this happened?

16 A. No.

17 Q. And you're sure this happened when
18 they were removing the countertop.

19 A. Oh, absolutely.

20 Q. Now, you mentioned that the sink
21 was installed using shards of granite. Can
22 you elaborate on that?

23 A. Basically they took pieces of
24 granite, you know, shards because, you know,
25 it's what it looks like from the best I can

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see, and it -- basically took epoxy, put it under the sink, put the sink up, and then used just epoxy to granite around the rim of the sink in different locations.

Q. So in your mind that installation isn't as secure as an installation as using clips?

A. Absolutely not. And it also renders the sink 90 percent, you know, unchangeable. So should there be any problem with that sink you stand a very good chance of ruining your granite to get that out because that granite would need to be chipped off of the countertop. Whereas a sink with the clips, you just unscrew the clips.

Q. Now, is that the result of using the epoxy or the result of using, as you described, the shards of granite?

A. The combination of both. The only way to get that piece of granite off would be to chip that piece of granite off, you know, from there. I mean, there's no other way to get it off.

Q. If an installer uses clips to
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install an undermount sink does he also use an epoxy?

A. He would use an epoxy around the rim.

Q. And the epoxy wouldn't come in contact with the granite?

A. The epoxy comes in contact with the granite but does not come in contact with the clips.

Q. So how is that installation where you have epoxy contacting the granite different than an installation where you have, as you said, shards of granite being epoxied between the sink and the countertop?

A. Because the epoxy itself can be separated. But the granite epoxied to the granite, there's no way -- with a clip you take the screw out and the clip comes off. Then you're just left with the rim epoxied to the granite. That could be separated. You know, they have methods of doing that to change a sink. However, with the granite glued to the granite there's no way of separating that granite from the granite

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without taking something and physically hitting it to separate that granite.

Q. Just to be clear, how is the granite shard secured to the rim of the sink? How is that connection made?

A. Epoxy.

Q. So the granite is first epoxied -- the granite is epoxied to the undermount rim of the sink and the other side is epoxied to the actual countertop, underside of the actual countertop?

A. Yes.

Q. And you still end up with a flush mount in that case? You still have the rim tightly pushed up against the underside of the granite countertop?

A. Yeah. They have a brace that they use that kind of cranks the sink up to the countertop to make a seal.

Q. Are there apertures in the rim of the countertop through which this granite shard is protruding?

A. I'm not following your question. They're on the underside of the sink. If you

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were to look underneath it, if you were to get in your cabinet and look up.

Q. Oh, you're saying the shard actually -- a portion of would it catch the rim and a portion --

A. A portion of it catches the rim and a portion of it is on the granite, itself. So, therefore, the only way to separate that is to actually take something and chisel that granite off.

Q. If you use a clip system where do the clips secure to?

A. The clips are -- there's an anchor that's drilled into the granite and then the clip is -- holds -- you know, it's like a two-inch clip that is basically just with a screw -- the screw goes into the anchor and then that clip holds the sink up to the granite.

Q. Do you have any intention of removing this countertop installation from your house in the near future?

A. The countertop? At the moment, no.

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